

As Passed by the Senate

136th General Assembly

Regular Session

2025-2026

Am. S. B. No. 343

Senator Manning

**Cosponsors: Senators Liston, Blackshear, Cirino, Craig, DeMora, Hicks-Hudson,
Huffman, Ingram, Johnson, O'Brien, Schaffer, Timken**

To amend sections 5502.29 and 5502.41 and to enact 1
section 5502.301 of the Revised Code regarding 2
workers' compensation coverage for a member of 3
an urban search and rescue unit rendering 4
assistance in Ohio at the request of the state's 5
Emergency Management Agency Executive Director. 6

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

Section 1. That sections 5502.29 and 5502.41 be amended 7
and section 5502.301 of the Revised Code be enacted to read as 8
follows: 9

Sec. 5502.29. (A) As used in this section, "political 10
subdivision" has the same meaning as in section 5502.41 of the 11
Revised Code. 12

(B) Political subdivisions, in collaboration with other 13
public and private agencies within this state, may develop 14
mutual assistance or aid agreements for reciprocal emergency 15
management assistance or aid for purposes of preparing for, 16
responding to, and recovering from an incident, disaster, 17
exercise, training activity, planned event, or emergency, any of 18
which requires additional resources. In time of any incident, 19

disaster, exercise, training activity, planned event, or 20
emergency, any of which requires additional resources, each 21
political subdivision may render assistance in accordance with 22
such mutual assistance or aid agreements. Such mutual assistance 23
or aid agreements shall not in any manner relieve the chief 24
elected official of any political subdivision of the 25
responsibility for providing emergency management. 26

(C) Political subdivisions, in collaboration with 27
political subdivisions in adjacent states, may develop 28
agreements for mutual assistance or aid for purposes of 29
preparing for, responding to, and recovering from an incident, 30
disaster, exercise, training activity, planned event, or 31
emergency, any of which requires additional resources. Each 32
political subdivision may render assistance in accordance with 33
the mutual assistance or aid agreements. A mutual assistance or 34
aid agreement with political subdivisions in adjacent states 35
shall be approved by the chief elected officials of the agreeing 36
political subdivisions or their designees and shall be prepared 37
in accordance with the laws, regulations, ordinances, and 38
resolutions applicable to the agreeing political subdivisions. 39

(D) When engaged in preparation for, response to, or 40
recovery from an incident, disaster, exercise, training 41
activity, planned event, or emergency, any of which requires 42
additional resources, and in accordance with the applicable 43
mutual assistance or aid agreement, personnel from political 44
subdivisions outside this state shall be permitted to provide 45
services within this state in accordance with this section and 46
the terms of the mutual assistance or aid agreement. 47

(E) Personnel of the responding political subdivision 48
shall continue under their local command and control structure, 49

but shall be under the operational control of the appropriate 50
officials within the incident management system of the political 51
subdivision receiving the assistance or aid. 52

(F) Nothing in this section shall be construed to prohibit 53
a private company or its employees from participating in the 54
provision of mutual assistance or aid, if the responding 55
political subdivision approves the participation and the 56
contract between the political subdivision and the private 57
company permits the participation. 58

(G) Nothing in this section shall be construed to prohibit 59
personnel of political subdivisions in this state from 60
responding to a request for mutual assistance or aid resulting 61
from an incident, disaster, exercise, training activity, planned 62
event, or emergency, any of which requires additional resources, 63
when the personnel are responding as part of a regional response 64
team that is under the operational control of the incident 65
command structure. 66

(H) Whenever a person from outside this state who is 67
subject to a mutual assistance or aid agreement authorized by 68
this section holds a license, certificate, or other permit 69
issued by any state evidencing qualification for professional, 70
mechanical, or other skills, such license, certificate, or other 71
permit shall be recognized by this state as authorizing the 72
person to render assistance or aid in this state involving such 73
skill to meet the request for assistance or aid, so long as the 74
person is acting within the scope of the person's license, 75
certificate, or other permit. 76

(I) ~~Personnel~~ Subject to section 5502.301 of the Revised 77
Code, personnel rendering assistance or aid pursuant to a mutual 78
assistance or aid agreement authorized by this section remain 79

employees or agents of their respective political subdivisions, 80
including for purposes of tort liability and immunity from tort 81
liability, and nothing in this section or any mutual assistance 82
or aid agreement entered into pursuant to this section creates 83
an employment relationship between the political subdivision 84
requesting aid and the employees or agents of the political 85
subdivision rendering aid. 86

(J) Responding political subdivisions and the personnel of 87
that political subdivision, while rendering assistance or aid 88
under this section, or while in route to or from rendering 89
assistance or aid under this section, in a political subdivision 90
in an adjacent state under an agreement authorized by this 91
section, shall be deemed to be exercising governmental functions 92
as defined in section 2744.01 of the Revised Code, shall have 93
the defenses to and immunities from civil liability provided in 94
sections 2744.02 and 2744.03 of the Revised Code, and shall be 95
entitled to all applicable limitations on recoverable damages 96
under section 2744.05 of the Revised Code. 97

(K) All pension, disability, death benefits, workers' 98
compensation, and other benefits enjoyed by personnel rendering 99
interstate or intrastate mutual assistance or aid shall extend 100
to the services they perform outside their respective political 101
subdivisions to the same extent as while acting within the 102
boundaries of the political subdivisions, and personnel are 103
entitled to the rights and benefits of ~~Chapter~~ Chapters 4121. 104
and 4123. of the Revised Code to the same extent as while 105
performing service within the boundaries of the political 106
subdivisions. 107

Sec. 5502.301. (A) As used in this section: 108

(1) "Designated urban search and rescue team" means an 109

urban search and rescue team designated by the administrator of 110
the federal emergency management agency under 42 U.S.C. 5165f to 111
participate in the national urban search and rescue response 112
system. 113

(2) "Injury" and "occupational disease" have the same 114
meanings as in section 4123.01 of the Revised Code. 115

(B) For purposes of Chapters 4121. and 4123. of the 116
Revised Code, an individual who is a member of a designated 117
urban search and rescue team shall be considered an employee of 118
the emergency management agency established within the 119
department of public safety under section 5502.22 of the Revised 120
Code if all of the following apply: 121

(1) The individual sustains an injury or contracts an 122
occupational disease that is compensable under Chapter 4121. or 123
4123. of the Revised Code. 124

(2) The individual sustains the injury or contracts the 125
occupational disease while rendering assistance or aid in this 126
state in the individual's capacity as a member of the designated 127
urban search and rescue team. 128

(3) The individual rendered the assistance or aid at the 129
request of the executive director of the emergency management 130
agency. 131

(4) The assistance was rendered pursuant to a written 132
agreement with the executive director of the emergency 133
management agency. 134

Sec. 5502.41. (A) As used in this section: 135

(1) "Chief executive of a participating political 136
subdivision" means the elected chief executive of a 137

participating political subdivision or, if the political 138
subdivision does not have an elected chief executive, a member 139
of the political subdivision's governing body or an employee of 140
the political subdivision appointed by the governing body's 141
members to be its representative for purposes of the intrastate 142
mutual aid program created pursuant to this section. 143

(2) "Countywide emergency management agency" means a 144
countywide emergency management agency established under section 145
5502.26 of the Revised Code. 146

(3) "Emergency" means any period during which the congress 147
of the United States, a chief executive as defined in section 148
5502.21 of the Revised Code, or a chief executive of a 149
participating political subdivision has declared or proclaimed 150
that an emergency exists. 151

(4) "Participating political subdivision" means each 152
political subdivision in this state except a political 153
subdivision that enacts or adopts, by appropriate legislation, 154
ordinance, resolution, rule, bylaw, or regulation signed by its 155
chief executive, a decision not to participate in the intrastate 156
mutual aid program created by this section and that provides a 157
copy of the legislation, ordinance, resolution, rule, bylaw, or 158
regulation to the state emergency management agency and to the 159
countywide emergency management agency, regional authority for 160
emergency management, or program for emergency management within 161
the political subdivision. 162

(5) "Planned event" means a scheduled nonemergency 163
activity as defined by the national incident management system 164
adopted under section 5502.28 of the Revised Code as the state's 165
standard procedure for incident management. "Planned event" 166
includes, but is not limited to, a sporting event, concert, or 167

parade. 168

(6) "Political subdivision" or "subdivision" has the same 169
meaning as in section 2744.01 of the Revised Code and also 170
includes a health district established under Chapter 3709. of 171
the Revised Code. 172

(7) "Program for emergency management within a political 173
subdivision" means a program for emergency management created by 174
a political subdivision under section 5502.271 of the Revised 175
Code. 176

(8) "Regional authority for emergency management" means a 177
regional authority for emergency management established under 178
section 5502.27 of the Revised Code. 179

(9) "Regional response team" means a group of persons from 180
participating political subdivisions who provide mutual 181
assistance or aid in preparation for, response to, or recovery 182
from an incident, disaster, exercise, training activity, planned 183
event, or emergency, any of which requires additional resources. 184
"Regional response team" includes, but is not limited to, an 185
incident management team, hazardous materials response team, 186
water rescue team, bomb team, or search and rescue team. 187

(B) There is hereby created the intrastate mutual aid 188
program to be known as "the intrastate mutual aid compact" to 189
complement existing mutual aid agreements. The program shall 190
have two purposes: 191

(1) Provide for mutual assistance or aid among the 192
participating political subdivisions for purposes of preparing 193
for, responding to, and recovering from an incident, disaster, 194
exercise, training activity, planned event, or emergency, any of 195
which requires additional resources; 196

(2) Establish a method by which a participating political subdivision may seek assistance or aid that resolves many of the common issues facing political subdivisions before, during, and after an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, and that ensures, to the extent possible, eligibility for available state and federal disaster assistance or other funding.

(C) Each countywide emergency management agency, regional authority for emergency management, and program for emergency management within a political subdivision, in coordination with all departments, divisions, boards, commissions, agencies, and other instrumentalities within that political subdivision, shall establish procedures or plans that, to the extent possible, accomplish both of the following:

(1) Identify hazards that potentially could affect the participating political subdivisions served by that agency, authority, or program;

(2) Identify and inventory the current services, equipment, supplies, personnel, and other resources related to the preparedness, response, and recovery activities of the participating political subdivisions served by that agency, authority, or program.

(D) (1) The executive director of the state emergency management agency shall coordinate with the countywide emergency management agencies, regional authorities for emergency management, and programs for emergency management within a political subdivision in identifying and formulating appropriate procedures or plans to resolve resource shortfalls.

(2) During and after the formulation of the procedures or 226
plans to resolve resource shortfalls, there shall be ongoing 227
consultation and coordination among the executive director of 228
the state emergency management agency; the countywide emergency 229
management agencies, regional authorities for emergency 230
management, and programs for emergency management within a 231
political subdivision; and all departments, divisions, boards, 232
commissions, agencies, and other instrumentalities of, and 233
having emergency response functions within, each participating 234
political subdivision, regarding this section, local procedures 235
and plans, and the resolution of the resource shortfalls. 236

(E) (1) A participating political subdivision that is 237
impacted by an incident, disaster, exercise, training activity, 238
planned event, or emergency, any of which requires additional 239
resources, may request mutual assistance or aid by doing either 240
of the following: 241

(a) Declaring a state of emergency and issuing a request 242
for assistance or aid from any other participating political 243
subdivision; 244

(b) Issuing to another participating political subdivision 245
a verbal or written request for assistance or aid. If the 246
request is made verbally, a written confirmation of the request 247
shall be made not later than seventy-two hours after the verbal 248
request is made. 249

(2) Requests for assistance or aid made under division (E) 250
(1) of this section shall be made through the emergency 251
management agency of a participating political subdivision or an 252
official designated by the chief executive of the participating 253
political subdivision from which the assistance or aid is 254
requested and shall provide the following information: 255

(a) A description of the incident, disaster, exercise,	256
training activity, planned event, or emergency;	257
(b) A description of the assistance or aid needed;	258
(c) An estimate of the length of time the assistance or	259
aid will be needed;	260
(d) The specific place and time for staging of the	261
assistance or aid and a point of contact at that location.	262
(F) A participating political subdivision shall provide	263
assistance or aid to another participating political subdivision	264
that is impacted by an incident, disaster, exercise, training	265
activity, planned event, or emergency, any of which requires	266
additional resources. The provision of the assistance or aid is	267
subject to the following conditions:	268
(1) The responding political subdivision may withhold	269
resources necessary to provide for its own protection.	270
(2) Personnel of the responding political subdivision	271
shall continue under their local command and control structure,	272
but shall be under the operational control of the appropriate	273
officials within the incident management system of the	274
participating political subdivision receiving assistance or aid.	275
(3) Responding law enforcement officers acting pursuant to	276
this section have the same authority to enforce the law as when	277
acting within the territory of their regular employment.	278
(G) (1) Nothing in this section shall do any of the	279
following:	280
(a) Alter the duties and responsibilities of emergency	281
response personnel;	282

(b) Prohibit a private company from participating in the 283
provision of mutual assistance or aid pursuant to the compact 284
created pursuant to this section if the participating political 285
subdivision approves the participation and the contract with the 286
private company allows for the participation; 287

(c) Prohibit employees of participating political 288
subdivisions from responding to a request for mutual assistance 289
or aid precipitated by an incident, disaster, exercise, training 290
activity, planned event, or emergency, any of which requires 291
additional resources, when the employees are responding as part 292
of a regional response team that is under the operational 293
control of the incident command structure; 294

(d) Authorize employees of participating political 295
subdivisions to respond to an incident, disaster, exercise, 296
training activity, planned event, or emergency, any of which 297
requires additional resources, without a request from a 298
participating political subdivision. 299

(2) This section does not preclude a participating 300
political subdivision from entering into a mutual aid or other 301
agreement with another political subdivision, and does not 302
affect any other agreement to which a participating political 303
subdivision may be a party, or any request for assistance or aid 304
that may be made, under any other section of the Revised Code, 305
including, but not limited to, any mutual aid arrangement under 306
this chapter, any fire protection or emergency medical services 307
contract under section 9.60 of the Revised Code, sheriffs' 308
requests for assistance to preserve the public peace and protect 309
persons and property under section 311.07 of the Revised Code, 310
any agreement for mutual assistance or aid in police protection 311
under section 737.04 of the Revised Code, any agreement for law 312

enforcement services between universities and colleges and 313
political subdivisions under section 3345.041 or 3345.21 of the 314
Revised Code, and mutual aid agreements among emergency planning 315
districts for hazardous substances or chemicals response under 316
sections 3750.02 and 3750.03 of the Revised Code. 317

(H) (1) Personnel—Subject to section 5502.301 of the 318
Revised Code, personnel of a responding participating political 319
subdivision who suffer injury or death in the course of, and 320
arising out of, their employment while rendering assistance or 321
aid under this section to another participating political 322
subdivision are entitled to all applicable benefits under 323
Chapters 4121. and 4123. of the Revised Code. 324

(2) Personnel of a responding participating political 325
subdivision shall be considered, while rendering assistance or 326
aid under this section in another participating political 327
subdivision, to be agents of the responding political 328
subdivision for purposes of tort liability and immunity from 329
tort liability under the law of this state. 330

(3) (a) A responding participating political subdivision 331
and the personnel of that political subdivision, while rendering 332
assistance or aid under this section, or while in route to or 333
from rendering assistance or aid under this section, in another 334
participating political subdivision, shall be deemed to be 335
exercising governmental functions as defined in section 2744.01 336
of the Revised Code, shall have the defenses to and immunities 337
from civil liability provided in sections 2744.02 and 2744.03 of 338
the Revised Code, and shall be entitled to all applicable 339
limitations on recoverable damages under section 2744.05 of the 340
Revised Code. 341

(b) A participating political subdivision requesting 342

assistance or aid and the personnel of that political 343
subdivision, while requesting or receiving assistance or aid 344
under this section from any other participating political 345
subdivision, shall be deemed to be exercising governmental 346
functions as defined in section 2744.01 of the Revised Code, 347
shall have the defenses to and immunities from civil liability 348
provided in sections 2744.02 and 2744.03 of the Revised Code, 349
and shall be entitled to all applicable limitations on 350
recoverable damages under section 2744.05 of the Revised Code. 351

(I) If a person holds a license, certificate, or other 352
permit issued by a participating political subdivision 353
evidencing qualification in a professional, mechanical, or other 354
skill, and if the assistance or aid of that person is asked for 355
under this section by a participating political subdivision, the 356
person shall be deemed to be licensed or certified in or 357
permitted by the participating political subdivision receiving 358
the assistance or aid to render the assistance or aid, subject 359
to any limitations and conditions the chief executive of the 360
participating political subdivision receiving the assistance or 361
aid may prescribe by executive order or otherwise. 362

(J) (1) Subject to division (K) of this section and except 363
as provided in division (J) (2) of this section, any 364
participating political subdivision rendering assistance or aid 365
under this section in another participating political 366
subdivision shall be reimbursed by the participating political 367
subdivision receiving the assistance or aid for any loss or 368
damage to, or expense incurred in the operation of, any 369
equipment used in rendering the assistance or aid, for any 370
expense incurred in the provision of any service used in 371
rendering the assistance or aid, and for all other costs 372
incurred in responding to the request for assistance or aid. To 373

avoid duplication of payments, insurance proceeds available to 374
cover any loss or damage to equipment of a participating 375
political subdivision rendering assistance or aid shall be 376
considered in the reimbursement by the participating political 377
subdivision receiving the assistance or aid. 378

(2) A participating political subdivision rendering 379
assistance or aid under this section to another participating 380
political subdivision shall not be reimbursed for either of the 381
following: 382

(a) The first eight hours of mutual assistance or aid it 383
provides to the political subdivision receiving the assistance 384
or aid; 385

(b) Expenses the participating political subdivision 386
incurs under division (H) (1) of this section. 387

(K) A participating political subdivision rendering 388
assistance or aid under this section may do any of the 389
following: 390

(1) Assume, in whole or in part, any loss, damage, 391
expense, or cost the political subdivision incurs in rendering 392
the assistance or aid; 393

(2) Loan, without charge, any equipment, or donate any 394
service, to the political subdivision receiving the assistance 395
or aid; 396

(3) Enter into agreements with one or more other 397
participating political subdivisions to establish different 398
allocations of losses, damages, expenses, or costs among such 399
political subdivisions. 400

Section 2. That existing sections 5502.29 and 5502.41 of 401

the Revised Code are hereby repealed.

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