

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 426**

**Representative Brown**

**Cosponsors: Representatives O'Brien, Crossman, Smith, K., Troy, Weinstein,  
Sobecki, Lightbody, Miller, J., Galonski, Sheehy**

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**A BILL**

To amend sections 755.13, 3313.5310, 3313.6021, 1  
3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 2  
3701.85, and 3707.58 and to enact section 3  
3701.851 of the Revised Code to require the 4  
placement of automatic external defibrillators 5  
in each public and chartered nonpublic school 6  
and each public recreational facility and to 7  
require the Ohio Department of Health to develop 8  
a model emergency action plan for the use of 9  
automated external defibrillators. 10

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

**Section 1.** That sections 755.13, 3313.5310, 3313.6021, 11  
3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 3701.85, and 12  
3707.58 be amended and section 3701.851 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 755.13.** (A) The authority to supervise and maintain 15  
parks, playgrounds, playfields, gymnasiums, public baths, 16  
swimming pools, or indoor recreation centers, may be vested in 17  
any existing body or board, or in a recreation board, as the 18

legislative authority of the municipal corporation, the board of 19  
township trustees, or the board of county commissioners 20  
determines. The local authorities of any such municipal 21  
corporation, township, or county may equip, develop, operate, 22  
and maintain such facilities as authorized by sections 755.12 to 23  
755.18 of the Revised Code. Such local authorities may, for the 24  
purpose of carrying out such sections, employ play leaders, 25  
recreation directors, supervisors, superintendents, or any other 26  
officers or employees, and may procure and pay all or any part 27  
of the cost of a policy or policies insuring such officers or 28  
employees against liability on account of damage or injury to 29  
persons or property arising from the performance of their 30  
official duties. 31

(B) The board of township trustees may expend funds from 32  
the township general fund, or revenue derived from property 33  
taxes levied for parks and recreational purposes, for the public 34  
purpose of presenting community events that are open to the 35  
public at such parks, playgrounds, playfields, gymnasiums, 36  
public baths, swimming pools, or indoor recreation centers. 37

(C) The board of county commissioners may adopt rules for 38  
the preservation of good order within parks, playfields, and 39  
reservations of land under its jurisdiction and on adjacent 40  
highways, rivers, riverbanks, and lakes, and the preservation of 41  
property and natural life therein. Such rules shall be published 42  
as provided in sections 731.21 to 731.25 of the Revised Code 43  
before taking effect, and shall be enforced by a "law 44  
enforcement officer" as defined in section 2901.01 of the 45  
Revised Code. No person shall violate a rule adopted under this 46  
division. Whoever violates a rule adopted under this division 47  
shall be fined not more than one hundred dollars. If the 48  
offender has previously been convicted of a violation of the 49

rule, the offender shall be fined not more than five hundred 50  
dollars. All fines collected for any violation of any rule 51  
adopted under this division shall be paid into the general fund 52  
of the county treasury. 53

(D) (1) The controlling authority of each recreation 54  
facility to which this section applies shall require the 55  
placement of an automated external defibrillator in each 56  
facility under the authority's control. 57

(2) Each controlling authority also shall require that a 58  
sufficient number of the staff persons of each recreation 59  
facility successfully complete an appropriate training course in 60  
the use of an automated external defibrillator as described in 61  
section 3701.85 of the Revised Code. 62

(3) Each controlling authority shall adopt an emergency 63  
action plan for the use of automated external defibrillators and 64  
may use the model plan developed by the department of health 65  
under section 3701.851 of the Revised Code. 66

(E) As used in this section, "automated external 67  
defibrillator" has the same meaning as in section 2305.235 of 68  
the Revised Code. 69

**Sec. 3313.5310.** (A) (1) This section applies to both of the 70  
following: 71

(a) Any school operated by a school district board of 72  
education; 73

(b) Any chartered or nonchartered nonpublic school that is 74  
subject to the rules of an interscholastic conference or an 75  
organization that regulates interscholastic conferences or 76  
events. 77

(2) As used in this section, "athletic activity" means all	78
of the following:	79
(a) Interscholastic athletics;	80
(b) An athletic contest or competition that is sponsored	81
by or associated with a school that is subject to this section,	82
including cheerleading, club-sponsored sports activities, and	83
sports activities sponsored by school-affiliated organizations;	84
(c) Noncompetitive cheerleading that is sponsored by	85
school-affiliated organizations;	86
(d) Practices, interschool practices, and scrimmages for	87
all of the activities described in divisions (A) (2) (a), (b), and	88
(c) of this section.	89
(B) Prior to the start of each athletic season, a school	90
that is subject to this section <del>may</del> <u>shall</u> hold an informational	91
meeting for students, parents, guardians, other persons having	92
care or charge of a student, physicians, pediatric	93
cardiologists, athletic trainers, and any other persons	94
regarding the symptoms and warning signs of sudden cardiac	95
arrest for all ages of students.	96
(C) No student shall participate in an athletic activity	97
until the student has submitted to a designated school official	98
a form signed by the student and the parent, guardian, or other	99
person having care or charge of the student stating that the	100
student and the parent, guardian, or other person having care or	101
charge of the student have received and reviewed a copy of the	102
information developed by the departments of health and education	103
and posted on their respective internet web sites as required by	104
section 3707.59 of the Revised Code. A completed form shall be	105
submitted each school year, as defined in section 3313.62 of the	106

Revised Code, in which the student participates in an athletic activity. 107  
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(D) No individual shall coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code. 109  
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(E) (1) A student shall not be allowed to participate in an athletic activity if either of the following is the case: 114  
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(a) The student's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the student has not been evaluated and cleared for participation in an athletic activity by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 116  
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(b) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E) (3) of this section after exhibiting syncope or fainting. 122  
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(2) A student shall be removed by the student's coach from participation in an athletic activity if the student exhibits syncope or fainting. 126  
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(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division (E) (1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following: 129  
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(a) A physician authorized under Chapter 4731. of the 135

Revised Code to practice medicine and surgery or osteopathic	136
medicine and surgery, including a physician who specializes in	137
cardiology;	138
(b) A certified nurse practitioner, clinical nurse	139
specialist, or certified nurse-midwife who holds a certificate	140
of authority issued under Chapter 4723. of the Revised Code;	141
(c) A physician assistant licensed under Chapter 4730. of	142
the Revised Code;	143
(d) An athletic trainer licensed under Chapter 4755. of	144
the Revised Code.	145
The licensed health care providers specified in divisions	146
(E) (3) (a) to (d) of this section may consult with any other	147
licensed or certified health care providers in order to	148
determine whether a student is ready to return to participation.	149
(F) A school that is subject to this section shall	150
establish penalties for a coach who violates the provisions of	151
division (E) of this section.	152
(G) Nothing in this section shall be construed to abridge	153
or limit any rights provided under a collective bargaining	154
agreement entered into under Chapter 4117. of the Revised Code	155
prior to March 14, 2017.	156
(H) (1) A school district, member of a school district	157
board of education, or school district employee or volunteer,	158
including a coach, is not liable in damages in a civil action	159
for injury, death, or loss to person or property allegedly	160
arising from providing services or performing duties under this	161
section, unless the act or omission constitutes willful or	162
wanton misconduct.	163

This section does not eliminate, limit, or reduce any 164  
other immunity or defense that a school district, member of a 165  
school district board of education, or school district employee 166  
or volunteer, including a coach, may be entitled to under 167  
Chapter 2744. or any other provision of the Revised Code or 168  
under the common law of this state. 169

(2) A chartered or nonchartered nonpublic school or any 170  
officer, director, employee, or volunteer of the school, 171  
including a coach, is not liable in damages in a civil action 172  
for injury, death, or loss to person or property allegedly 173  
arising from providing services or performing duties under this 174  
section, unless the act or omission constitutes willful or 175  
wanton misconduct. 176

**Sec. 3313.6021.** (A) As used in this section, ~~"psychomotor:~~ 177

(1) "Automated external defibrillator" has the same 178  
meaning as in section 3313.717 of the Revised Code. 179

(2) "Psychomotor skills" means the use of hands-on 180  
practice to support cognitive learning. 181

(B) Beginning with the 2017-2018 school year, except as 182  
provided in division (E) of this section, each school operated 183  
by a school district which offers grades nine to twelve shall 184  
provide instruction in cardiopulmonary resuscitation and the use 185  
of an automated external defibrillator. 186

Instruction shall include the psychomotor skills necessary 187  
to perform cardiopulmonary resuscitation and use an automated 188  
external defibrillator and shall be either of the following: 189

(1) An instructional program developed by the American 190  
heart association or the American red cross that includes 191  
instruction in cardiopulmonary resuscitation and the use of an 192

automated external defibrillator;	193
(2) An instructional program that is nationally recognized	194
and based on the most current national, evidence-based emergency	195
cardiovascular care guidelines for cardiopulmonary resuscitation	196
and the use of an automated external defibrillator.	197
(C) No student shall receive certification in	198
cardiopulmonary resuscitation and the use of an automated	199
external defibrillator unless the student is trained by an	200
authorized or certified instructor.	201
(D) Nothing in this section requires a licensed educator	202
to be certified to provide training in the manner prescribed by	203
this section to facilitate, provide, or oversee instruction in	204
cardiopulmonary resuscitation and the use of an automated	205
external defibrillator that does not result in certification of	206
students.	207
(E) If a student is excused from taking instruction in	208
cardiopulmonary resuscitation under division (A) (8) of section	209
3313.60 of the Revised Code or if the student is a child with a	210
disability and is incapable of performing the psychomotor skills	211
required to perform cardiopulmonary resuscitation and to use an	212
automated external defibrillator, as indicated in the student's	213
IEP, the student shall not be required to receive instruction as	214
prescribed by this section. As used in this section, "child with	215
a disability" and "IEP" have the same meanings as in section	216
3323.01 of the Revised Code.	217
<b>Sec. 3313.6023.</b> The board of education of each school	218
district shall provide training in the use of an automated	219
external defibrillator to each person employed by that district,	220
except for substitutes, adult education instructors who are	221



scheduled to work the full-time equivalent of less than one 222  
hundred twenty days per school year, or persons who are employed 223  
on an as-needed, seasonal, or intermittent basis, so long as the 224  
persons are not employed to coach or supervise interscholastic 225  
athletics. This training ~~may~~ shall be incorporated into the in- 226  
service training required by division (A) of section 3319.073 of 227  
the Revised Code. For this purpose, the board shall use one of 228  
the instructional programs listed in divisions (B) (1) and (2) of 229  
section 3313.6021 of the Revised Code. 230

Each person to whom this section applies shall complete 231  
the training not later than July 1, 2018, and at least once 232  
every five years thereafter. 233

**Sec. 3313.717.** (A) As used in this section, "automated 234  
external defibrillator" means a specialized defibrillator that 235  
is approved for use as a medical device by the United States 236  
food and drug administration for performing automated external 237  
defibrillation, as defined in section 2305.235 of the Revised 238  
Code. 239

(B) (1) The board of education of each school district ~~may~~ 240  
shall require the placement of an automated external 241  
defibrillator in each school under the control of the board. Not 242  
later than July 1, 2018, pursuant to section 3313.6023 of the 243  
Revised Code, all persons employed by a school district shall 244  
receive training in the use of an automated external 245  
defibrillator in accordance with that section, except for 246  
substitutes, adult education instructors who are scheduled to 247  
work the full-time equivalent of less than one hundred twenty 248  
days per school year, or persons who are employed on an as- 249  
needed, seasonal, or intermittent basis, so long as the persons 250  
are not employed to coach or supervise interscholastic 251

athletics.	252
(2) The administrative authority of each chartered nonpublic school <del>may</del> <u>shall</u> require the placement of an automated external defibrillator in each school under the control of the authority. <del>If an authority requires the placement of an automated external defibrillator as provided in this section,</del> <u>The</u> authority also shall require that a sufficient number of the staff persons assigned to each school under the control of the authority successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.	253 254 255 256 257 258 259 260 261 262
<u>(3) Each district board and administrative authority shall adopt an emergency action plan for the use of automated external defibrillators and may use the model plan developed by the department of health under section 3701.851 of the Revised Code.</u>	263 264 265 266
(C) In regard to the use of an automated external defibrillator that is placed in a school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.	267 268 269 270 271 272 273 274 275 276 277 278
<u>(D) The department of education shall develop a procedure whereby persons may report violations of this section.</u>	279 280

**Sec. 3314.16.** (A) (1) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(2) This section does not apply to an internet- or computer-based community school.

(B) The governing ~~board~~ authority of a community school established under this chapter ~~may~~ shall require the placement of an automated external defibrillator in each school under the control of the governing authority. ~~If a governing authority requires the placement of an automated external defibrillator as provided in this section, the~~ The governing authority also shall require that a sufficient number of the staff persons assigned to each school under the control of the governing authority successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

The governing authority shall adopt an emergency action plan for the use of automated external defibrillators and may use the model plan developed by the department of health under section 3701.851 of the Revised Code.

(C) In regard to the use of an automated external defibrillator that is placed in a community school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property,

or held criminally liable, for performing automated external 311  
defibrillation in good faith, regardless of whether the person 312  
has obtained appropriate training on how to perform automated 313  
external defibrillation or successfully completed a course in 314  
cardiopulmonary resuscitation. 315

(D) The department of education shall develop a procedure 316  
whereby persons may report violations of this section. 317

**Sec. 3326.11.** Each science, technology, engineering, and 318  
mathematics school established under this chapter and its 319  
governing body shall comply with sections 9.90, 9.91, 109.65, 320  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 321  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 322  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 323  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 324  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 325  
3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 3313.61, 326  
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 327  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 328  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 329  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 330  
3313.717, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 331  
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 332  
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 333  
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 334  
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 335  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 336  
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 337  
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 338  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 339  
the Revised Code as if it were a school district. 340

**Sec. 3328.24.** A college-preparatory boarding school 341  
established under this chapter and its board of trustees shall 342  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 343  
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6023, 344  
3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 345  
3313.6411, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 346  
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 347  
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 348  
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 349  
if the school were a school district and the school's board of 350  
trustees were a district board of education. 351

**Sec. 3701.85.** (A) As used in this section: 352

(1) "Automated external defibrillation" has the same 353  
meaning as in section 2305.235 of the Revised Code. 354

(2) "Emergency medical services organization" has the same 355  
meaning as in section 4765.01 of the Revised Code. 356

(B) A person who possesses an automated external 357  
defibrillator shall do both of the following: 358

(1) Encourage expected users to complete successfully a 359  
course in automated external defibrillation and cardiopulmonary 360  
resuscitation that is offered or approved by a nationally 361  
recognized organization and includes instruction on psychomotor 362  
skills and national evidence-based emergency cardiovascular 363  
guidelines that are current; and 364

(2) Maintain and test the defibrillator according to the 365  
manufacturer's guidelines. 366

(C) It is recommended, but not required, that a person who 367  
possesses an automated external defibrillator notify an 368  
emergency medical services organization of the location of the 369

defibrillator. 370

(D) Any person may perform automated external 371  
defibrillation. Training in automated external defibrillation 372  
and cardiopulmonary resuscitation is recommended but not 373  
required. 374

A person who performs automated external defibrillation 375  
shall make a good faith effort to activate or have another 376  
person activate an emergency medical services system as soon as 377  
possible unless the person is performing automated external 378  
defibrillation as part of an emergency medical services system 379  
or at a hospital as defined in section 3727.01 of the Revised 380  
Code. 381

Sec. 3701.851. The department of health shall develop a 382  
model emergency action plan for the use of automated external 383  
defibrillators by public and chartered nonpublic schools, youth 384  
sports organizations, and recreation facilities. The model 385  
emergency action plan shall require the plan to be practiced at 386  
least yearly. 387

The department shall develop a procedure whereby persons 388  
may report violations of section 755.13 of the Revised Code by a 389  
recreation facility or section 3707.58 of the Revised Code by a 390  
youth sports organization. 391

**Sec. 3707.58.** (A) As used in this section: 392

(1) "Youth athlete" means an individual who wishes to 393  
practice for or compete in athletic activities organized by a 394  
youth sports organization; 395

(2) "Youth sports organization" has the same meaning as in 396  
section 3707.51 of the Revised Code. 397

(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section ~~may~~ shall hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes.

(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each calendar year to each youth sports organization that organizes an athletic activity in which the youth athlete participates.

(D) No individual shall coach an athletic activity organized by a youth sports organization unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(E) (1) A youth athlete shall not be allowed to participate in an athletic activity organized by a youth sports organization if either of the following is the case:

(a) The youth athlete's biological parent, biological

sibling, or biological child has previously experienced sudden cardiac arrest, and the youth athlete has not been evaluated and cleared for participation in an athletic activity organized by a youth sports organization by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(b) The youth athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E) (3) of this section after exhibiting syncope or fainting.

(2) A youth athlete shall be removed by the youth athlete's coach from participation in an athletic activity organized by a youth sports organization if the youth athlete exhibits syncope or fainting.

(3) If a youth athlete is not allowed to participate in or is removed from participation in an athletic activity organized by a youth sports organization under division (E) (1) or (2) of this section, the youth athlete shall not be allowed to return to participation until the youth athlete is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code.

The licensed health care providers specified in divisions



(E) (3) (a) and (b) of this section may consult with any other 457  
licensed or certified health care providers in order to 458  
determine whether a youth athlete is ready to return to 459  
participation. 460

(F) A youth sports organization that is subject to this 461  
section shall establish penalties for a coach who violates the 462  
provisions of division (E) of this section. 463

(G) (1) A youth sports organization or official, employee, 464  
or volunteer of a youth sports organization, including a coach, 465  
is not liable in damages in a civil action for injury, death, or 466  
loss to person or property allegedly arising from providing 467  
services or performing duties under this section, unless the act 468  
or omission constitutes willful or wanton misconduct. 469

(2) This section does not eliminate, limit, or reduce any 470  
other immunity or defense that a public entity, public official, 471  
or public employee may be entitled to under Chapter 2744. or any 472  
other provision of the Revised Code or under the common law of 473  
this state. 474

**Section 2.** That existing sections 755.13, 3313.5310, 475  
3313.6021, 3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 476  
3701.85, and 3707.58 of the Revised Code are hereby repealed. 477

**Section 3.** The General Assembly, applying the principle 478  
stated in division (B) of section 1.52 of the Revised Code that 479  
amendments are to be harmonized if reasonably capable of 480  
simultaneous operation, finds that the following sections, 481  
presented in this act as composites of the sections as amended 482  
by the acts indicated, are the resulting versions of the 483  
sections in effect prior to the effective date of the sections 484  
as presented in this act: 485

Section 3326.11 of the Revised Code as amended by both	486
H.B. 82 and H.B. 110 of the 134th General Assembly.	487
Section 3328.24 of the Revised Code as amended by both	488
H.B. 82 and H.B. 110 of the 134th General Assembly.	489